



*California Environmental Protection Agency  
Department of Toxic Substances Control  
Hazardous Waste Management Program*

## PERMITTING DIVISION ADVISORY

**Advisory No.** PA97-3

**Date of Issuance:** October 10, 1997

**Title:** RCRA Expanded Public Participation Rule

**Purpose:** To Advise DTSC Permitting Staff on the RCRA Expanded Public Participation Rule

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**Background:** In December 1995, the U.S. Environmental Protection Agency (U.S. EPA) published regulations expanding the public involvement in the RCRA permitting process. These new regulations, which became effective on June 11, 1996, apply to all RCRA Part B applications seeking initial permits, and all facilities applying for renewal of permits where the application contains changes that would qualify as a Class 3 Permit Modification under Title 22, California Code of Regulations (22 Cal. Code Regs.), section 66270.42.

**Advisory:** The following public participation requirement applies to all RCRA Part B applicants seeking initial permits and to all RCRA-regulated facilities applying for renewal of permits where application would qualify as a class 3 Permit Modification:

**(1) Preapplication Meeting and Notices by Applicants - 22 Cal. Code Regs., section 66271.31.**  
The applicant must:

- Hold a pre-application public meeting to solicit questions and inform the community of the proposed hazardous waste management activities (22 Cal. Code Regs., section 66271.31(b));
- Provide a public notice of at least 30 days prior to the pre-application meeting (22 Cal. Code Regs., section 66271.31(d)). This notice must be placed as a display advertisement in a newspaper of general circulation in the county or, upon direction of the Public Participation Section, in adjacent counties where there is an affected public (22 Cal. Code Regs., section 66271.31(d)(1)(A));
- Post a notice on a clearly marked sign at or near the facility (22 Cal. Code Regs., section 66271.31(d)(1)(B)); and
- Broadcast a notice at least once on a local radio or television station (22 Cal. Code Regs., section 66271.31(d)(1)(C)).

(2) **Public Notice Requirements by DTSC at the Application Stage - 22 Cal. Code Regs., section 66271.32:**

- DTSC must publish, within a reasonable time after receipt of the application, a public notice and notify appropriate State and local agencies that the application has been received (22 Cal. Code Regs. section 66271.32 (b)). The notice must include (a) the name and telephone number of the applicant's contact, (b) the name and telephone number of the DTSC contact and a mailing address for that contact person, (c) an address to which community members can write to be placed on the mailing list, (d) the location of where copies of the application can be viewed and copied, (e) a brief description of the facility and proposed operation, including the address or a map of the facility location on the front page of the notice, and (f) the date the application was submitted.

In addition, the rule affects public participation before and during trial burns for incinerators and for boiler and industrial furnaces (BIFs). DTSC must send, "within a reasonable time" (it is suggested by U.S. EPA that this time period be 30 days), a notice to the facility mailing list announcing the scheduled trial burn. (22 Cal. Code Regs., section 66270.62(b)(6)).

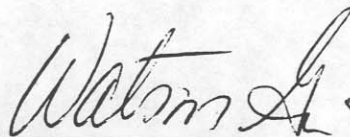
The notice must contain:

- The name and phone number of the applicant's contact person,
- The name and phone number of the DTSC contact,
- The location where the public may view the trial burn plan and other supporting documents, and
- The expected time period for commencement and completion of the burn.

If you have any questions, please call Mohinder Sandhu at 445-3321 (Calnet 8-485-3321).

October 10, 1997

Date



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